



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/508,248	03/29/00	CHERESH	D TSRI-651.3

002387  
OLSON & HIERL  
20 NORTH WACKER DRIVE  
SUITE 3600  
CHICAGO IL 60606

HM12/0928

EXAMINER

PROUTY, R

ART UNIT	PAPER NUMBER
----------	--------------

1652

DATE MAILED: 09/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/538,248

Applicant(s)  
Cheresh et al.

Examiner  
Rebecca Prouty

Art Unit  
1652



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-31 are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other

Art Unit: 1652

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, and 16-20, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of PP1 and pharmaceutical products therefor, classified in class 424, subclass 94.6.
- II. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of PP2 and pharmaceutical products therefor, classified in class 424, subclass 94.6.
- III. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of PD173955 and pharmaceutical products therefor, classified in class 514, subclass 258.
- IV. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of AGL1872 and pharmaceutical products therefor, classified in class 514, subclass 789.

Art Unit: 1652

- V. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of PD162531 and pharmaceutical products therefor, classified in class 514, subclass 789.
- VI. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of Radicicol R2146 and pharmaceutical products therefor, classified in class 514, subclass 450.
- VII. Claims 1-3, and 16-19, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of geldanamycin and pharmaceutical products therefor, classified in class 514, subclass 183.
- VIII. Claims 1, 5, 6, 16, 17, 21 and 22, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of Src K295M and pharmaceutical products therefor, classified in class 424, subclass 94.5.
- IX. Claims 1, 5, 7, 16, 17, 21 and 23, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of Src 251 and

Art Unit: 1652

pharmaceutical products therefor, classified in class 424, subclass 94.5.

- X. Claims 1, 8, 17, and 24, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of inactive Yes protein and pharmaceutical products therefor, classified in class 424, subclass 94.5.
- XI. Claims 1, 9, 16, 17, and 25, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of Csk and pharmaceutical products therefor, classified in class 424, subclass 94.5.
- XII. Claims 10-14, and 26-28, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of nucleic acids encoding Src K295M, classified in class 514, subclass 44.
- XIII. Claims 10-13, 15, 26, 27 and 29, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of nucleic acids encoding Src 251, classified in class 514, subclass 44.
- XIV. Claims 10-13, 26, 27 and 30, drawn to methods of ameliorating tissue damage from vascular leakage or

Art Unit: 1652

edema by treating with compositions of nucleic acids encoding inactive Yes protein, classified in class 514, subclass 44.

XV. Claims 10-13, 26, 27 and 31, drawn to methods of ameliorating tissue damage from vascular leakage or edema by treating with compositions of nucleic acids encoding Csk, classified in class 514, subclass 44.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-XV are independent as they comprise distinct chemical products including proteins, nucleic acids and small organic chemicals with unrelated structures and the methods each comprise different steps and utilize these different products.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in

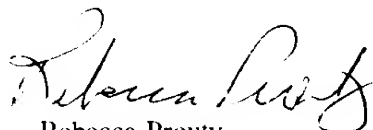
Art Unit: 1652

compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca Prouty, Ph.D. whose telephone number is (703) 308-4000. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy, can be reached at (703) 308-3804. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Rebecca Prouty  
Primary Examiner  
Art Unit 1652